

REMARKS

This paper is submitted in reply to the Final Office Action mailed May 13, 2010.

In the Office Action, claims 1-6, 8, 10, 11, and 50-51 are listed as pending, no claims are listed as withdrawn from consideration and claims 1-6, 8, 10, 11, and 50-51 are listed as rejected. Applicants respectfully request reconsideration and entry of the foregoing amendments.

The Examiner has maintained the rejection of claims 1-6, 8, 10-11 and 50-51 on the grounds of nonstatutory obviousness-type double patenting over claims 1-63 of U.S. Patent No. 6,713,474. Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c) and a Statement Under 37 CFR §3.73..

The Examiner has maintained the rejection of claim 6 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that claim 6 recites the limitation “ring A is substituted with one or more substituents selected from the group consisting of...carboxyl...” in lines 1-5 but that there is insufficient antecedent basis in claim 6 for this limitation. Applicants have amended claim 6 to delete “carboxyl”.

Claims 1, 3, 6 and 50 have been amended to correct minor typographical errors.

In view of the foregoing remarks, Applicants believe that claims 1-6, 8, 10, 11, and 50-51 are in condition for allowance. Prompt and favorable action is earnestly solicited.

No additional claims fees are due for the instant amendment since the total number of claims after entry of the amendments hereinabove is not more than the total number of claims that Applicants have paid for to date.

If the Examiner believes that a telephone conference would advance the condition of the instant application for allowance, Applicants invite the Examiner to call Applicants' agent at the number noted below.

Respectfully submitted,

Date: August 10, 2010

/Gayle O'Brien/

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